

Attorney Docket No.: NE-0004  
Inventors: Hollingsworth et al.  
Serial No.: 10/618,481  
Filing Date: July 11, 2003  
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#### REMARKS

Claims 1-3 are pending in this application. Claim 2 has been withdrawn from consideration. Claims 1 and 3 have been rejected. Claim 1 has been amended. Claim 3 has been canceled. Claim 4 has been added. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

#### **I. Rejections under 35 U.S.C. §102**

Claims 1 and 3 remain rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/058450. It is suggested that, as currently constituted, claim 1 reads on polypeptides comprising the indicated SEQ ID NOs. It is suggested that WO 02/058450 teaches a polypeptide having the amino acid sequence of SEQ ID NO:1 of the instant application, a composition comprising a polypeptide having the amino acid sequence of amino acid residues 1 to 42 of SEQ ID NO:1 of the present application, and a composition comprising a polypeptide having the amino acid sequence of amino acid residues 22 to 72 of SEQ ID NO:1 of the instant application. The Examiner concludes that WO 02/058450 anticipates the present invention.

Claims 1 and 3 remain rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,548,643. It is suggested that this reference teaches conjugates between an antigen and a carbohydrate polymer, wherein the conjugates may be immunogenic vaccines; and wherein the conjugates may contain one or more repeated subunits of human mucin or non-repeated regions of human mucin. It is further suggested that this reference teaches immunogenic peptides

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comprising amino acids 1-21 or 35-54 of the intracellular portion of MUC1 (i.e., of SEQ ID NO:1 of the instant application), which are at least a portion of the cytoplasmic tail.

Applicants respectfully disagree with these rejections.

Applicants disclose MUC1 peptides for eliciting an immune response to MUC1-expressing tumor cells. These peptides are 9 to 15 amino acids in length and are set forth in Tables 3-4 and in the paragraph bridging pages 17 and 18. The prior art references neither teach nor suggest the peptides of the present invention. Thus, in an earnest effort to place the claims in better form for consideration, Applicants have amended claim 1 to read on a composition for preventing or treating cancer in a subject, wherein the composition is an isolated MUC1 cytoplasmic tail peptide selected from the group consisting of SEQ ID NOs:3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49. Moreover, claim 3 has been canceled and new claim 4 has been added to read on a vaccine comprising the recited peptides. Because the cited prior art references fail to teach or suggest the claimed peptides and vaccines these references cannot be held to anticipate the present invention. It is therefore respectfully requested that these rejections be reconsidered and withdrawn.

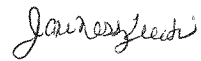
## **II. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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